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Docket No.: [illegible]3212

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MAIL STOP: APPEAL BRIEF-PATENTS

By: _____ Date: April 23, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

Applic. No.	:	10/076,979 Confirmation No.: 1432
Inventor	:	Patrick Lepeltier et al.
Filed	:	February 15, 2002
Title	:	Infeed Element for Drawing in a Material Web
TC/A.U.	:	2854
Examiner	:	Marvin P. Crenshaw
Customer No.	**:**	**24131**

Hon. Commissioner for Patents
Alexandria, VA 22313-1450

BRIEF ON APPEAL

S i r :

This is an appeal from the final rejection in the Office action dated November 14, 2003, finally rejecting claims 1-4, 7, 8, 10 and 11.

Appellants submit this *Brief on Appeal* in triplicate, including payment in the amount of $330.00 to cover the fee for filing the *Brief on Appeal*.

04/28/2004 MAHMED1 00000049 10076979
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Real Party in Interest:

This application is assigned to Heidelberger Druckmaschinen AG of Heidelberg, Germany. The assignment will be submitted for recordation upon the termination of this appeal.

Related Appeals and Interferences:

No related appeals or interference proceedings are currently pending which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

Status of Claims:

Claims 1-4, 7, 8, 10 and 11 are rejected and are under appeal. Claim 5 was cancelled in an amendment filed on September 3, 2003. Claims 6 and 9 are objected to as being dependent on a rejected base claim but would be allowable if placed in independent form.

Status of Amendments:

No claims were amended after the final Office action. *A Notice of Appeal* was filed on February 23, 2004.

Summary of the Invention:

As stated in the first paragraph on page 1 of the specification of the instant application, the invention relates to an infeed element for drawing in a material web,

such as, for example, a material web capable of being printed on one or more sides, into a web-processing rotary printing machine.

Appellants explained on page 9 of the specification, line 17, that, referring now to the drawings and, first, particularly to Fig. 1 thereof, there is reproduced therein, in a top plan view, an infeed triangle according to the prior art, which is fastened to an infeed device.

Appellants further explained on page 9 of the specification, line 22 that, in the greatly simplified illustration according to Fig. 1, an infeed device 1 for a material web 12 to be drawn in extends in the infeed direction 4. The infeed device 1 has an infeed channel 2 formed with a channel slot 13 on the side thereof facing towards the material web 12 to be drawn in. Received movably in the infeed channel 2 of the infeed device 1 is a tongue-shaped infeed element 3 of especially flat construction which passes through the channel slot 13 of the infeed channel 2 on the side thereof facing towards the material web 12 to be drawn in.

As set forth on page 10 of the specification, line 7, the apex or tip of an infeed triangle 5 is fastened at a suspension point 9 of the infeed element 3 which is received movably in

the infeed channel 2. An opening slot 10 extends, adjacent to the suspension point 9, at least approximately parallel to the infeed direction 4, in the infeed element 3. The infeed triangle 5 is configured at least approximately as a right-angled triangle, a longer leg 6 of which extending parallel to the infeed device 1 in the infeed direction 4, and a material web 12 to be drawn in is fastened to the shorter leg 7 of the triangle, i.e. the base thereof, by a suitable connection 11. A hypotenuse 8 completes the infeed triangle 5 of right-angled configuration. Due to the asymmetric introduction of tensile force into the infeed triangle 5 receiving the material web 12 to be drawn in, the infeed triangle, at the base 7 thereof, tends to approach the channel slot 13 of the infeed channel 2 of the infeed device 1.

It is also stated on page 10 of the specification, line 24, that Fig. 2 shows an infeed triangle according to the prior art, which has a tendency to run into the infeed channel of the infeed device.

Appellants explained on page 11 of the specification, line 2, that, due to the tensile forces produced by the material web during the infeed or drawing-in operation, the infeed triangle 5 tends to rotate, as represented by the curved arrow 22, about the suspension point 9 thereof on the infeed element 3

during the movement of the infeed element 3 in the infeed channel 2 of the infeed device 1 in the infeed direction represented by the arrow 4. The long leg 6 of the infeed triangle 5 of right-angled configuration may consequently be introduced into the channel slot 13 of the infeed channel 2 at the location 21, with the result that the infeed triangle 5 may become jammed in the open channel slot 13 facing towards the long leg 6 of the infeed triangle 5; parts of the infeed element 5 may remain in the channel slot 13, so that, in the case of the infeed triangle 5 having a flat form of construction, jamming thereof may readily occur when the infeed element passes, for example, a curved portion of the infeed path following a straight portion thereof.

Appellants further explained on page 11 of the specification, line 20, that Fig. 2.1 is an enlarged fragmentary side elevational view of Fig. 2 showing part of the infeed channel 2 according to the prior art.

It is set forth in the last paragraph on page 11 of the specification, line 24, that, at the infeed location 21, the infeed triangle 5 tends to be rotated with the base 7 thereof into the open channel slot 13 of the infeed channel 2, the channel slot 13 facing towards the material web 12 to be drawn or fed in. It is believed to be readily apparent from this

illustration that the channel width 20 of the channel slot 13 of the infeed device 2 exceeds the thickness of the infeed element 5.

Appellants stated on page 12 of the specification, line 6 that an infeed triangle deformed according to the invention is shown in greater detail in Fig. 3.

Appellants further outlined on page 12 of the specification, line 9, that, in an embodiment of the invention, a deformation element 31 is shown fastened to the infeed triangle 5, preferably formed as a right-angled triangle, in a rear region thereof. The deformation element 31 is thus mounted on the infeed triangle 5, in a rear region thereof, and extends parallel to the long leg 6 of the triangle 5 and, preferably, parallel to the infeed device 4. A deformation 30 can consequently be imparted to the infeed triangle 5 in a region facing towards the base side 7, the material web 12 to be drawn-in being received in that region at a connection location 11. In the example provided in Fig. 3, the deformation takes the form of a series of successive depressions 33 and elevations 32, which extends in the infeed triangle 5 in the infeed direction represented by the arrow 4. A deformation 30 which, in a side elevational view (note Fig. 3.1), extends in wave form or sawtooth form, is consequently

is set or established in the rear region of the infeed triangle 5.

It is set forth on page 13 of the specification, line 1, that the deformation element 31 may be formed as a metallic rail, the length 35 of which exceeding the width 34 of the deformation element 31 by a multiple. Besides a metallic rail having a wave-shaped profiling as a deformation element 31, it is also possible to manufacture the deformation element 31 from plastic or a flexible material; if the deformation element 31 is formed, for example, as a sidewise disposed U-shaped profile, it can be pushed or slid, in a relatively simple manner, onto the long leg 6 of the infeed triangle 5, and provides the latter with a wave-shaped profiling 30, the absolute height 36 of which, according to the invention, exceeds the width 20 of the channel slot 13 of the infeed channel 2. This ensures that, when force is introduced asymmetrically at the suspension point 9 into the infeed triangle 5 configured at least approximately as a right-angled triangle, the rotation that results does not cause the long leg 6 of the infeed triangle 5 to run at the run-in point 21 into the channel slot 13 facing the long leg 6. Operating faults or even damage to the infeed triangle 5 can thus be avoided reliably, without requiring the infeed triangle 5 to have excessive rigidity which would otherwise overly restrict

the freedom of movement thereof when passing curved portions of the path traversed thereby.

Appellants described on page 14 of the specification, line 1, that a profile effecting the deformation of the infeed triangle is shown in greater detail in Fig. 3.1, in an enlarged side elevational view, partly in section.

Appellants further described on page 14 of the specification, line 5, that a series of depressions 33 and elevations 32 are arranged, as viewed in the infeed direction represented by the arrow 4, on the deformation element 31. The height and the depth 36, respectively, of the individual depressions 33 and the elevations 32, respectively, is in this regard preferably dimensioned so that they exceed the width 20 of the channel slot 13 of the infeed channel 2, so that an infeed or entry of the deformation element 31 itself or an infeed or entry of a rear region of an infeed triangle 5 that is provided with such a deformation element 31 into the channel slot 13 of the infeed channel 2 is effectively prevented.

It is also mentioned on page 14 of the specification, line 17, that, when the deformation element 31 is manufactured, for example, from steel which is only a few tenths of a millimeter thick, it has a flexibility which makes it possible for the

infeed triangle 5 provided with the deformation element 31 to be threaded in, even around small radii, so that, for example, the threading of a material web 12 to be drawn in or infed into a turning-bar superstructure is assured without difficulty. The flexibility inherent in the deformation element 31 allows the deformation element 31 to resume the original shape thereof, should it inadvertently have experienced high mechanical stress, such as, for example, a run or entry into a cylinder gap between two transfer cylinders in a printing unit of a rotary printing machine.

References Cited:

German Published, Non-Prosecuted Patent Application No. DE 198 37 362 A1 (Brückl et al.), dated February 24, 2000.

Issues

1. Whether or not claims 1-4, 7, 8, and 10-11 are anticipated by Brückl et al. (DE 198 37 362 A1) (hereinafter "Brückl") under 35 U.S.C. §102(b).

Grouping of Claims:

Claims 1 and 11 are independent. Claims 2-4, 7, 8, and 10 depend on claim 1. The patentability of claims 2-4, 7, 8, and 10 are not separately argued. Therefore, claims 2-4, 7, 8,

and 10 stand or fall with claim 1. Claim 11 does not stand or fall with any other claim.

Arguments:

Claims 1 and 11 are not anticipated by Brückl under 35 U.S.C. §102(b)

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 11 call for, *inter alia*:

an infeed channel having a channel slot formed therein, and an infeed element guidable in the channel slot.

The Brückl reference discloses an infeed device having infeed means (11), an infeed triangle (02) attached to the infeed means (11) at a loop (12), and a reinforced part (03) attached to the infeed triangle (02) at a trailing edge of the infeed triangle (02). The reinforced part (03) has a planar outer surface and includes inner form elements (06). A mating piece (07) having an outer planar surface and inner form elements (08) which cooperate with the form elements (06) of the

reinforced plate (03) to clamp a leading edge of a web (01) is disclosed.

The reference does not show an infeed channel having a channel slot formed therein and an infeed element guidable in the channel slot, as recited in claims 1 and 11 of the instant application. The Brückl reference discloses infeed means (11) having an infeed triangle (02) attached thereto. Brückl discloses a coupling arrangement, which can be provided as a loop (12) such as an eyelet that is attached to a carrier (13) of the infeed means (11). The Brückl reference does not disclose that the infeed means (11) has an infeed channel having a channel slot formed therein. This is contrary to the invention of the instant application as claimed, in which an infeed channel has a channel slot formed therein, and an infeed element guidable in the channel slot.

The Examiner's comments in the Response to Arguments section of the final Office action, that "Brückl teaches the infeed element having a slot (13) and the element being slidable within the slot (see Fig. 3)", is not correct. Brückl explicitly discloses that the loop (12) such as an eyelet is attached to the carrier (13) of the infeed means (11). The carrier (13) is not a slot as suggested by the Examiner. It is, therefore, respectfully submitted that the Examiner's

comments that the infeed element has a slot (13) and the element is slidable within the slot should be disregarded.

Since claim 1 is allowable over Brückl, dependent claims 2-4, 7, 8, and 10 are allowable over Brückl as well.

Regarding the patentability of claim 11 the following further remarks are made.

Claim 11 calls for, *inter alia*:

a deformation extending at least approximately perpendicularly to the infeed direction on a side of the infeed triangle facing towards the infeed channel, the deformation having a height exceeding the width of the channel slot formed in the infeed channel.

The Examiner's comments on page 4 of the final Office action, with respect to claim 11, that the infeed triangle having a deformation formed on the infeed triangle with a height exceeding the width of the channel slot formed in the infeed channel, is not correct. The deformation (06) disclosed by Brückl is used to clamp the web. Moreover, the Brückl reference does not disclose that the infeed means (11) includes a channel slot. Since there is no channel slot,

there is no width for a channel slot. Therefore, the deformation disclosed in Brückl does not have a height, which exceeds a width of a channel slot.

The reference does not show a deformation extending at least approximately perpendicularly to the infeed direction on a side of the infeed triangle facing towards the infeed channel, the deformation having a height exceeding the width of the channel slot formed in the infeed channel, as recited in claim 11 of the instant application. As noted above the Brückl reference discloses infeed means (11), which is a flat ribbon-shaped part (Fig. 3). The Brückl reference does not state if the infeed means runs in a channel slot or is guided by rollers without any slot. Accordingly, the Brückl reference does not disclose that the infeed means includes a channel slot. Therefore, the deformation element disclosed in Brückl does not have a height, which exceeds a width of a channel slot. This is contrary to the invention of the instant application as claimed, in which the deformation formed on the infeed triangle has a height exceeding the width of the channel slot formed in the infeed channel.

Moreover, the Examiner's comments in the Response to Arguments section of the final Office action, that "it is clear from Bruckel (sic) that the deformation (6) has a height exceeding

the width on the channel slot", is not correct. Brückl does not disclose a channel slot. Accordingly, Brückl cannot and does not disclose any information about the size of the deformation (6). It is, therefore, respectfully submitted that the Examiner's comments that the deformation (6) has a height exceeding the width on the channel slot should be disregarded.

Therefore, claim 11 is allowable over Brückl.

Based on the above-given arguments, the honorable Board is therefore respectfully urged to reverse the final rejection of the Primary Examiner.

Respectfully submitted,

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For Appellants

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Appendix - Appealed Claims:

1. An infeed device for drawing a material web into a web-fed rotary printing machine in an infeed direction, comprising an infeed channel having a channel slot formed therein, an infeed element guidable in said channel slot, and an infeed triangle releasably connectable to said infeed element, said infeed triangle having fastened thereto a leading end of the material web to be drawn into the rotary printing machine, and said infeed triangle having, on a side thereof facing towards said infeed channel, a deformation extending at least approximately perpendicularly to the infeed direction.

2. The infeed device according to claim 1, including a deformation element for forming said deformation.

3. The infeed device according to claim 2, wherein said deformation element extends parallel to said side of said infeed triangle facing towards said infeed channel.

4. The infeed device according to claim 1, wherein said deformation has a form selected from the group thereof consisting of wave forms and sawtooth forms.

7. The infeed device according to claim 2, wherein said deformation element, as viewed in the infeed direction, has a series of elevations and depressions.

8. The infeed device according to claim 2, wherein said deformation element has a length exceeding the width thereof by a multiple.

10. The infeed device according to claim 2, wherein said deformation element is fastenable to a side of said infeed triangle selected from the group consisting of an upper side and an underside thereof.

11. An infeed device for drawing a material web into a web-fed rotary printing machine in an infeed direction, comprising an infeed channel having a channel slot formed therein defining a width of said channel slot, an infeed element extending outwardly through said channel slot and being guidable in said channel slot, an infeed triangle releasably connectable to said infeed element, said infeed triangle having a leading end of the material web to be drawn into the rotary printing machine fastened thereto, and said infeed triangle having a deformation extending at least approximately perpendicularly to the infeed direction on a side of said infeed triangle facing towards said infeed

channel, said deformation having a height exceeding said width of said channel slot formed in said infeed channel.